

1 FRANNY A. FORSMAN
Federal Public Defender
2 State Bar No. 000014
MONIQUE N. KIRTLEY
3 Assistant Federal Public Defender
State Bar No. 018440/Arizona
4 411 E. Bonneville Avenue, Ste. 250
Las Vegas, Nevada 89101
5 (702) 388-6577
(Fax) 388-6261

6 Attorneys for Defendant,
7 **DANIEL MAGANA**

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 * * *

11
12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 vs.
15 DANIEL MAGANA
16 Defendant.

CR-S-05-431-RLH

STIPULATION TO CONTINUE
CALENDAR AND TRIAL DATES
(First Request)

17
18 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
19 United States Attorney, and Robert A. Bork, Assistant United States Attorney, counsel for the United
20 States of America; and Franny A. Forsman, Federal Public Defender, and Monique N. Kirtley,
21 Assistant Federal Public Defender, Counsel for DANIEL MAGANA, that Calendar Call scheduled
22 for January 18, 2006, at the hour of 8:30 a.m., and Trial currently scheduled for January 23, 2006,
23 at the hour of 8:30 a.m., be vacated and set to a date and time to be set by the court, but no event
24 earlier than sixty (60) days.

25 This Stipulation is entered into for the following reasons:

- 26 1. Counsel for Defendant needs additional time for further investigation and
27 research.
28 2. The defendant is incarcerated and does not object to the continuance.

1 3. The parties agree to the continuance.

2 4. Denial of this request for continuance would deny counsel for defendants
3 sufficient time within which to be able to effectively and thoroughly research, prepare and submit
4 for filing appropriate pretrial motions and notices of defense, taking into account the exercise of due
5 diligence.

6 5. The additional time requested by this Stipulation is excludable in
7 computing the time within which the trial herein must commence pursuant to the Speedy Trial Act,
8 Title 18, United States Code Sections 3161(h)(1)(F) 3161(h) (7) and Title 18, United States Code,
9 Section 3161(h)(8)(A), considering the factors under Title 18, United States Code, Sections
10 3161(h)(8)(B)(I) and 3161(h)(8)(B)(iv).

11 6. This is the first request for continuance filed herein.

12 DATED this 12th day of January, 2006.

13
14 FRANNY A. FORSMAN,
15 Federal Public Defender

 DANIEL G. BOGDEN
 United States Attorney

16 By /s/ Monique Kirtley
17 MONIQUE N. KIRTLEY
 Assistant Federal Public Defender
 Counsel for Defendant

 By /s/ Peter Levitt
 ROBERT A. BORK
 Assistant United States Attorney
 Counsel for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

CR-S-05-075-RCJ (RJJ)

Plaintiff,

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

vs.

DANIEL MAGANA,

Defendant.

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for Defendant needs additional time for further investigation and research.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. Denial of this request for continuance would deny counsel for defendants sufficient time within which to be able to effectively and thoroughly research, prepare and submit for filing appropriate pretrial motions and notices of defense, taking into account the exercise of due diligence.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code Sections 3161(h)(1)(F) 3161(h) (7) and Title 18, United States Code, Section 3161(h)(8)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(8)(B)(I) and 3161(h)(8)(B)(iv).

6. This is the first request for continuance filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion and trial dates.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, Section, Sections 3161(h)(8)(A), when the considering the factors under Title 18, United States Code, Sections 3161(h)(8)(B) and 3161(h)(8)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the calendar call currently scheduled for January 18, 2006, at the hour of 8:30 a.m.; be vacated and continued to _____ at the hour of _____ .m.; and the Trial currently scheduled for January 23, 2006, at the hour of 8:30 a.m., be vacated and continued to _____ at the hour of _____ .m.

DATED _____ day of January, 2006.

UNITED STATES DISTRICT JUDGE